

## Habitat Structure – Fish Wing Deflector General Permit Application Instructions

### Determine eligibility for this general permit:

- Choose an activity decision module on web, <http://dnr.wi.gov/topic/waterways>, **or**
- Review the eligibility criteria below
  - If the project does not meet all of the eligibility standards, apply for an Individual Permit

### To apply:

- Apply online using our online ePermitting System at <http://dnr.wi.gov/permits/water>
- Include all required attachments. Each document must be less than 15 megabytes and our online system offers a help guide to reduce file sizes,
- Permit processing review times begin when all of the required application materials are received by the DNR. The department may require additional information to evaluate the project.
- If you have questions regarding your application, contact the local Water Management Specialist for your county <http://dnr.wi.gov/topic/Waterways/contacts.html#county>.

### Please note, prior to starting any work at the project site, you are responsible for:

- Obtain all necessary local (e.g. city, town, village or county) permits.
- Obtain U.S. Army Corps of Engineer permits or approvals, <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.
- Any other applicable state permits

### Required attachments - Forms or documents you upload in our online ePermitting System

1. **Application form** - A complete, signed application form "Water Resources Application for Project Permits (WRAPP)" (Form 3500-053).

2. **Application fee** - Payment must be submitted through the ePermitting System as part of the application process. A list of fees can be found at <http://dnr.wi.gov/topic/waterways/documents/PermitDocs/feesheet.pdf>.

3. **Ownership documentation** - (i.e. copy of deed, land contract, current property tax statement/receipt)

4. **Photographs** that clearly show the on-the-ground conditions of the existing project areas. Remember that too much snow cover or vegetation may obscure important details. If possible, have another person stand near the project area for size reference. Color images are preferred.

5. **Site maps** that clearly illustrate the location and perimeter of the project site, and its relationship to nearby water resources (e.g. lakes, rivers, streams, wetlands), major landmarks and roads. Provide copies of relevant maps (e.g. wetland, aerial, topographical, soil, floodplain, or zoning maps), with the project location clearly identified. The department offers a web mapping tool to assist in creating these maps at <http://dnr.wi.gov/topic/surfacewater/swdv/>.

6. **Plans and specifications** that show what you intend to do. Plan drawings should be clear and to scale. Be sure to draw all plans as accurately and detailed as possible. The department reserves the right to require additional information to evaluate the project.

7. **Narrative description** of your proposal on a separate page. Please include:

- What the project is, purpose of project, and need for the project
- How you intend to carry out the project, including methods, materials, and equipment

- Your proposed construction schedule and sequence of work
- What temporary and permanent erosion control measures will be used
- The location of any disposal area for dredged or excavated materials
- For disturbances or fill, provide a description of type, composition, and quality of materials
- How you plan to avoid, minimize and mitigate impacts to waterways
- Area (e.g. linear feet) impacted

**8. Endangered and threatened resources** - The applicant is not required, but is encouraged to request an endangered resources (ER) review letter before applying for the permit. Information on how to obtain a review can be found by visiting the website at <http://dnr.wi.gov/topic/ERReview/Review.html>. The applicant can also visit the NHI Public Portal, <http://dnr.wi.gov/topic/ERReview/PublicPortal.html>, to determine if a full ER Review is required. Read the 'What is an ER Preliminary Assessment and what do the results mean?' section to determine follow-up steps.

**9. Historical and cultural resources** - If you are aware there is a historical or cultural resource present, you are **required** to contact the Wisconsin State Historical Society to verify and receive documentation that the activity will not result in an adverse impact to these resources.

**Eligibility criteria:**

Projects that do not meet all criteria are not eligible for this general permit. If your project does not qualify for this general permit, you may apply for an individual permit.

The fish habitat structure may be located in an area of special natural resource interest, or within a public rights feature as described in Wis. Admin. Code s. NR 1.06, or at a site where the department requires a permit under Wis. Stats. s. 30.12(2m).

The project purpose is to place a fish habitat structure solely for the purpose of improving fish and wildlife habitat and the placement does not result in significant adverse impacts to the public rights and interests, cause environmental pollution as defined in Wis. Stats. s. 299.01(4), or result in material injury to the riparian rights of any riparian owner pursuant to Wis. Stats. s. 30.206(3r)(a)2., nor does it cause more than minimal adverse environmental impacts, materially interfere with navigation, nor have an adverse impact on the riparian property rights of adjacent riparian owners pursuant to Wis. Stats. s. 30.206(1)(am).

The applicant or co-applicant is the riparian owner.

The fish habitat structure must be placed entirely within the riparian zone of interest as determined by one of the methods outlined in Wis. Admin. Code s. NR 326.07. Certain habitat structures may be placed waterward of the line of navigation where allowed by activity specific standards contained in this general permit checklist.

The riparian owner or the person who places fish habitat structures under coverage of this General Permit must report the placement of the structure to the local Department Fisheries Biologist within 30 days after placement. The report must contain a description of the project and its purpose, the name of the waterway and a map showing where the structure was placed. A list of fisheries biologists can be found at <http://dnr.wi.gov/topic/fishing/people/index.html>

Design and placement of wing deflectors must follow the recommendations in *Guidelines for Management of Trout Stream Habitat in Wisconsin* by Ray J. White and Oscar M. Brynildson.

**Note:** Copies of these publications may be downloaded at <http://digital.library.wisc.edu/1711.dl/EcoNatRes.DNRBull39>. Hard copies can be requested by contacting the local department fisheries biologist or your public library. A list of fisheries biologists can be found at <http://dnr.wi.gov/topic/fishing/people/index.html>

The wing deflector <b>will be placed in a navigable stream less than 5 feet wide</b> , measured from ordinary high water mark to ordinary high water mark.	
The wing deflector <b>will not extend more than 25% across the stream width</b> measured from ordinary high water mark to ordinary high water mark.	
<p>To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, structures may not be placed during the following time periods:</p> <ul style="list-style-type: none"> <li>September 15th through May 15th for all trout streams; and upstream to the first dam or barrier on the Root River (Racine County), the Kewaunee River (Kewaunee County), and Strawberry Creek (Door County). To determine if a waterway is a trout stream, you may use the WDNR website trout maps which can be found at <a href="http://dnr.wi.gov/topic/fishing/trout/streammaps.html">http://dnr.wi.gov/topic/fishing/trout/streammaps.html</a></li> <li>March 1st through June 15th for ALL waters.</li> </ul> <p>The regional Department Fisheries Biologist may waive or modify timing restrictions in writing. To find your biologist and request in writing a waiver or modification of fish spawning timing</p>	
The placement of structures must be conducted in a manner that prevents the collection, removal or dispersal of sediment away from the project site to the maximum extent practicable. Temporary sediment control measures used to accomplish this should be completely removed from the waterbody no more than 24 hours after the project is completed.	
All temporary sediment control measures must follow all state lighting requirements and cannot materially obstruct navigation.	
Live, living or growing plants may not be removed unless the removal is exempt under Wis. Stats. s. 23.24 (4) or complies with the provisions for waiver of the permit requirement under Wis. Admin. Code s. NR 109.06.	
Removal of material above the ordinary high water mark is a land grading activity and is not authorized under the general permit.	
Dredging under Wis. Stats. s. 30.20(1g) (b) 1. is not allowed for the placement of a fish habitat structure. This permit does not authorize the removal of native bed and bottom material which includes sand, cobble, silt, detritus, and other organic material. Dredging does not include "de minimus" activities.	
A deposit of sand, gravel or stone under Wis. Stats. s. 30.12(1g) (a), may be associated with the placement of a fish habitat structure provided the deposit is limited to the area immediately underneath or within one foot of the structure and is less than 2 cubic yards.	
Erosion control measures must meet or exceed the technical standards for erosion control approved by the department under Wis. Admin. Code subch. V of ch. NR 151. Any area where topsoil is exposed during construction must be immediately seeded and mulched or riprapped to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway. Note: These standards can be found at the following website: <a href="http://dnr.wi.gov/topic/stormwater/standards/">http://dnr.wi.gov/topic/stormwater/standards/</a>	
Unless part of a permanent stormwater management system, all temporary erosion and sediment control practices must be removed upon final site stabilization. Areas disturbed during construction or installation must be restored.	